



#8
R. Smith
03/23/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: BINDER=8

In re Application of:)	Art Unit: 2667
)	
BINDER, Yehuda)	Examiner: HOANG, Thai D
)	
Appln. No.: 09/552,564)	Washington, D.C.
)	
Filed: April 19, 2000)	Confirmation No. 3972
)	
For: NETWORK COMBINING WIRED)	March 10, 2004
AND NON-WIRED SEGMENTS)	

REQUEST FOR WITHDRAWAL OF FINALITY OF REJECTION

Honorable Commissioner for Patents
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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Technology Center 2600

Sir:

This is not a response to the last Office Action.

We are in receipt of an Office Action date January 28, 2004, in which many of the claims have been rejected on new grounds, and particularly newly cited prior art, not necessitated by applicant's amendments to the claims.

In particular, a new ground of rejection was presented with respect to application claim 1, which was amended only in a minor formal respect to clarify that the segments mentioned in the last clause of the claim were the same as those introduced in the claim preamble. The newly cited reference, Swartz, was cited for its disclosure of a system that includes wireless links. Since claim 1, as previously presented, already included a recitation of at least one non-wired segment, along with a recitation of at least one non-wired modem, it is clear that the minor

clarifying amendments to claim 1 could not conceivably have necessitated a new ground of rejection.

In this connection, it is further noted that the last Office Action does not even contain an assertion that the new ground of rejection was necessitated by applicant's amendments.

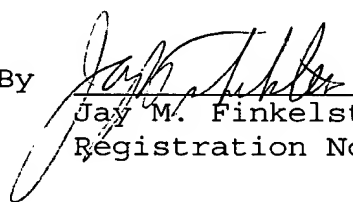
According to current PTO rules, it is not permissible to make a new ground of rejection final when the new ground was not necessitated by applicant's amendments to the claims.

Accordingly, it is requested that the finality of the rejections be withdrawn to assure applicant's right to further amend the rejected claims.

Respectfully submitted,

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